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REMARKS/ARGUMENTS

Favorable consideration and allowance of the instant application is respectfully requested in view of the following remarks.

The Examiner's rejections, as they pertain to the patentability of the claims, are respectfully traversed.

Claims 11-13, 16-18, 21, 22 and 24 remain rejected under 35 U.S.C. 102(b) as being anticipated by Carduck et al. (US 5,554,741). This rejection is again respectfully traversed for the following reasons.

Applicant would again like to note that it is well settled that it is very well settled that a factual determination of anticipation requires the disclosure, in a single reference, of every element of the claimed invention, and an Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. See, In re Levy, 17 USPQ2d 1561 (Bd. Pat. App. & Inter. 1990).

Applicant respectfully submits that the Carduck reference fails to anticipate the claimed invention on the grounds that it fails to disclose each and every element thereof. More particularly, the process of the present invention involves the use of an aqueous glucose syrup to be mixed with a fatty alcohol followed by the addition of an acid catalyst and subsequent acetalization of the aqueous glucose syrup/fatty alcohol suspension. The Carduck reference, on the other hand, **requires** that its glucose syrup/fatty alcohol suspension be free of water, **prior to acetalization**, see col. 3, lines 5-51. The Examiner notes that the glucose syrup employed by the present invention is consistent with the definition of glucose syrup disclosed in the Carduck reference. Applicant agrees with the Examiner's observation. However, as is seen in col. 3, lines 24-31, Carduck's glucose syrup/fatty alcohol suspension contains is freed from water **prior to acetalization**. The

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present invention, however, does not involve the removal of water. Rather, the water remains in the glucose syrup/fatty alcohol suspension during acetalization. Consequently, since this aspect of the claimed invention is not disclosed by the Carduck reference, it cannot serve to anticipate Applicant's claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 11-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Carduck et al. (US 5,554,741). This rejection is again respectfully traversed for the following reasons.

Applicant would like to note that it is clear in the law that, to establish a prima facie case of obviousness under 35 U.S.C. 103 based upon a single reference, the Office must show an art-recognized motivation to modify the reference in the manner asserted by the Office. See, In re Gordon, 221 USPQ 1125, 1127 (Fed. Cir. 1984).

Applicant respectfully submits that the Carduck reference fails to render the claimed invention prima facie obvious on the grounds that it fails to contain any teaching or suggestion which would motivate one of ordinary skill in the art to keep the water in the glucose syrup/fatty alcohol suspension prior to acetalization, as is presently claimed, rather than removing the water as is taught by the Carduck reference at col. 3, lines 24-31.

Clearly, the removal of water from the glucose syrup/fatty alcohol suspension is a required element of Carduck's invention.

This being the case, Applicant would again like to note that it is well settled that one important indicium of non-obviousness is the teaching away from the claimed invention by the prior art. See, In re Braat, 16 USPQ2d 1812 (Fed. Cir. 1990). Applicant respectfully submits that based on Carduck's clear teaching that water be removed from the glucose syrup/fatty alcohol suspension **prior to acetalization**, which is clearly the opposite of the claimed invention's teaching, this reference serves to establish the non-obviousness of Applicant's invention by clearly teaching away therefrom. Accordingly, reconsideration and

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withdrawal of this rejection is respectfully requested.

It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds for rejection are completely avoided and/or overcome. A Notice of Allowance is therefore earnestly requested.

The Examiner is requested to telephone the undersigned attorney if any further questions remain which can be resolved by a telephone interview.

Respectfully submitted,



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